IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 2552 of 2004

Between:

Royal Touch Granites, rep.by its Proprietor, Sri M.Ganesh S/o.late Satyam, R/o.8-3-678/55, Flat No.302, Lakshmi Mahal, Navodaya Colony,

Ellareddy Guda, Hyderabad-45.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, rep.by its Secretary Industries &

Commerce department, Secretariat, Hyderabad.
2 The Director, Mines & Geology, B.R.K.R.Bhavan, 8th floor Tankbund Road,

Hyderabad.
3 The Assistant Director, Mines & Geology, Chittoor Chittoor District.
4 M/s.Al-Haramain Granites, K.M.Althaf, No.27-980, Telephone Colony,

Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or writ one in the nature of writ of Certiorari calling for records in Memo No.13958/M.II(2)/2003-5, dt 31.12.2003 in setting aside the grant orders and quash the same as arbitrary, illegal, unjust and contrary to the rules.

Counsel for the Petitioner:SMT.N.SHOBA

Counsel for the Respondent Nos.1 to 3: GP FOR INDUSTRIES & COMMERCE

Counsel for the Respondent No.4: None appeared.

The Court made the following :

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ORDER:

Heard the learned Counsel for the petitioner and the learned Government Pleader for Industries and Commerce appearing on behalf of the respondent Nos.1 to 3. Though served, none appeared on behalf of the respondent No.4 herein.

The petitioner herein, which is a mining leaseholder, filed this Writ Petition, inter alia, challenging the impugned orders dated 31-12-2003 passed by the respondent No.1 herein, as illegal and void.

The case of the petitioner herein is that it has been granted mining lease on 31-07-2003 and since then operating the mines. However, the revision, filed by the 4th respondent herein, without filing any application for condonation of delay or giving any reasons for such delay, was straightaway allowed by the respondent No.1 condoning the delay and set aside the lease granted to the petitioner on 31-07-2003. It is submitted by the petitioner that the said revision is only as against the order of determination made against the respondent No.4 in regard to the lease, which it was holding since 08-10-1999. It was submitted that the said lease was determined and in spite of the same the respondent No.4 has taken recourse to by way of writ petition and writ appeal in this Court and both were dismissed on the ground that 4th respondent's lease stood determined on 08-10-1999. In the meanwhile the petitioner was granted lease and thereafter the respondent No.4 filed the revision after long delay and the same was allowed without there being any application for condonation of delay or showing any reasons.

Smt. N.Shobha, the learned Counsel for the petitioner herein, submits that having regard to the fact that there being no such application for condonation of delay, the revision itself ought not to have been entertained and further no reasons have given in support thereof. The delay could not have been condoned.

The learned Government Pleader for Industries and Commerce, appearing on behalf

of the respondent Nos.1 to 3, sought to sustain the impugned orders and submits that the same would not required any interference.

Having considered the submissions made and on perusal of the material on record, it is seen that though the respondent No.4 was holding the lease earlier, but later the same was stood determined and he has unsuccessfully come to this court by way of Writ Petition and Writ Appeal, which were negatived on the ground that 4th respondent's lease was already determined. At which time, the present revision has been filed and the same was allowed by the respondent No.1 herein. On perusal of the files produced by the learned Government Pleader it is seen that there is no application filed by the respondent No.4, nor the grounds of revision do not disclose any sufficient reasons to warrant condonation of delay. In the revision neither there is any reference to the filing of earlier proceedings, nor even to the proceedings granting lease in favour of the petitioner herein. Further, the impugned order also does not give, any reasons in support of condonation of delay or findings of this Court.

In the circumstances, it is to be held that impugned orders are totally vitiated. The Writ Petition is, accordingly, allowed. No costs.

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B.PRAKASH RAO, J.

Dated 13-09-2004.

SKMR

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice, on this Monday, the Thirteenth Day of September Two Thousand and Four.

To

1 The Secretary, Government of Andhra Pradesh, Industries &

Commerce Department, Secretariat, Hyderabad.
2 The Director, Mines & Geology, B.R.K.R.Bhavan, 8th floor Tankbund Road,

Hyderabad.
3 The Assistant Director, Mines & Geology, Chittoor Chittoor District.
4. 2CCs to G.P. for Industries and Commerce, High Court of A.P.,

Hyderabad (OUT).

5. 2CD copies.